Government of Saskatchewan

Annual Report 2001

Saskatchewan Public and Private Rights Board

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Letter of Transmittal

March 28, 2002

Honourable Lorne Calvert
President of Executive Council

Dear Mr. Premier:

As per subsection 6(3) of *The Expropriation Procedure Act*, I have the honour to submit to you the Annual Report of the Public and Private Rights Board for the period January 1, 2001, to December 31, 2001.

Respectfully submitted,

K. W. Acton
Chairman

Staff

The staff of the Public and Private Rights Board are:

K. W. Acton, Chairman
Verna LeBlanc, Administrative Assistant

Message from the Chairman

Under *The Expropriation Procedure Act*, the Public and Private Rights Board has the authority to review matters relating to the expropriation of land or the intention to acquire land by expropriating authorities. The Board investigates claims and manages negotiations between landowners and expropriating authorities in an effort to help the parties reach mutually acceptable solutions.

Landowners may request the Board to review either or both:

(a) the route, situation or design of a public improvement;

(b) the amount of compensation offered for the expropriated land.

During 2001, the Board handled eight (8) claims. Of the eight claims handled, four were received through the year, and four were carried over from 2000. The Board concluded its investigation of six claims. There were two active cases as of December 31, 2001.

The primary role of the Public and Private Rights Board is dispute resolution. The Board assists landowners and expropriating authorities in reaching agreement on the most appropriate route or design of a public improvement and/or what fair and reasonable compensation should be paid for the required land or easement.

> *"The primary purpose of compensation is to place the owner whose land has been taken in the same position financially as he was prior to the taking. On the one hand, the owner should not receive a windfall or unjust enrichment as a result of the taking. On the other hand, the owner should not be required to shoulder an economic loss for the general public benefit which is achieved as a result of the taking."*

(Expropriation in Canada – A Practitioner's Guide, by Kenneth J. Boyd, Canada Law Book Inc., Aurora, Ontario, 1988, p.27)

The Board had another successful year in assisting landowners and agencies in resolving expropriation disputes. Activity levels remained low with the majority of expropriation issues being resolved on an informal basis. Only six situations required formal negotiation.

The Board continued to extend opportunities for field staff from each primary expropriating agency to train in collaborative problem solving and decision making. The training was well-received by those staff members involved and appeared to have a positive impact on dispute resolution between the parties. The Board will continue to offer training opportunities to build on the collaborative approach undertaken by expropriating agencies over the past several years. The Board is confident that the training will be beneficial to landowners and agencies in working together to resolve expropriation issues.

Tables

a. Number and Nature of Claims Received, Negotiated, Completed, Withdrawn and Carried Forward by the Board in 2001

I. Number and Nature of Claims Negotiated in 2001

(A) Carried forward from 2000:		
	i) Route, Situation or Design	2
	ii) Compensation	2
	Subtotal	4
(B) New claims received in 2001:		
	i) Route, Situation or Design	2
	ii) Compensation	2
	Subtotal	4
	Total	**8**

II. Number and Nature of Claims Completed in 2001

i)	Route, Situation or Design	2
ii)	Compensation	4
	Total	**6**

III. Number and Nature of Claims Withdrawn in 2001

i)	Route, Situation or Design	0
ii)	Compensation	0
	Total	**0**

IV. Number and Nature of Claims Carried Forward into 2002

i)	Route, Situation or Design	2
ii)	Compensation	0
	Total	**2**

b. Number and Nature of Claims Received by the Board in 2001 (by Expropriating Authority)

Expropriating Authority	Route Situation or Design	Compensation	Total
SaskTel	1	0	1
SaskPower	0	0	0
SaskEnergy	0	0	0
Miscellaneous	1	2	3

c. Number and Nature of Claims Initiated with the Board in 2001 (by Expropriating Authority)

Expropriating Authority	Route Situation or Design	Compensation	Total
SaskTel	1	0	1
SaskPower	0	0	0
SaskEnergy	0	0	0
Miscellaneous	1	2	3

d. Resolution of Claims Initiated with the Board in 2001 (by Expropriating Authority)

Expropriating Authority	Negotiated Successfully	Negotiated Unsuccessfully	With Drawn	Total
SaskTel	2	0	0	2
SaskPower	0	0	0	0
SaskEnergy	0	0	0	0
Miscellaneous	2	2	0	4

e. Number and Nature of Claims Received by the Board (1991 - 2001)

Year	Route, Situation or Design	Compensation	Total
1991	6	7	13
1992	2	5	7
1993	1	1	2
1994	3	3	6
1995	3	3	6
1996	3	4	7
1997	2	4	6
1998	3	6	9
1999	0	2	2
2000	3	3	6
2001	2	2	4

f. Number of Claims Received by the Board by Expropriating Authority (1991 - 2001)

Year	Conservation & Development Area Authorities	SaskTel	Sask Power	Sask Energy	Sask Hwys	Misc.
1991	0	8	4	0	1	0
1992	0	3	0	0	3	1
1993	0	0	0	0	0	2
1994	0	2	1	2	0	1
1995	0	4	0	2	0	0
1996	0	4	2	0	0	1
1997	0	2	3	0	0	1
1998	0	4	2	0	1	2
1999	0	1	0	0	0	1
2000	0	4	0	0	2	0
2001	0	1	0	0	1	2